

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO. 05-30074-MAP

TAMMY WALKER,)
Plaintiff)
)
v.)
)
CITY OF HOLYOKE,)
Defendant)

DEFENDANT'S MOTION FOR STATUS CONFERENCE

Defendant, City of Holyoke, hereby respectfully requests that this Court schedule a status conference with respect to this matter. The Defendant's request is based on the following grounds:

1. Plaintiff's deposition was initiated on September 26, 2006 which was suspended due to time constraints. Defendant's counsel has attempted to continue the plaintiff's deposition on several occasions.

2. Presently, the plaintiff is incarcerated for an unrelated incident which took place on December 31, 2006. The plaintiff is being monitored by mental health professionals in preparation of a dangerousness hearing and continuing her deposition in jail is not possible.

3. Plaintiff's counsel proposed a motion to dismiss without prejudice to which the defendant assented. However, plaintiff's counsel then stated the plaintiff was in no position to consent to such a motion.

4. Since the defendant is unable to complete discovery without plaintiff's complete testimony, it would be prejudicial to defendant's case to continue with the court proceedings as ordered.

WHEREFORE, the defendant, City of Holyoke, respectfully requests that this court schedule a status conference to discuss the status and possible stay of this matter.

The Defendant,
City of Holyoke,

By Its Attorneys
Morrison Mahoney LLP

/s/ Carole Sakowski Lynch
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LOCAL RULE 7.1 CERTIFICATION

The subject matter of this motion was discussed with Attorney Ozell Hudson on January 26, 2007. The motion was faxed to Attorney Hudson on the morning of February 8, 2007. No agreement was reached on this motion.

/s/ Carole Sakowski Lynch

I hereby certify that this document, filed through the ECF System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on February 9, 2007.

/s/ Carole Sakowski Lynch